

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X
UNITED STATES OF AMERICA :
 :
- v. - :
 :
VICTOR HUGO DIAZ MORALES, :
a/k/a "Victor Manuel Villegas Castillo," : S1 15 Cr. 379
a/k/a "Rojo," :
 :
Defendant. :
 :
- - - - - X

ORIGINAL

SUPERSEDING INDICTMENT

COUNT ONE

The Grand Jury charges:

1. From at least in or about 2003, up to and including in or about March 2017, in Honduras, Guatemala, and elsewhere, and in an offense begun outside of the jurisdiction of any particular State or district of the United States and for which one of two or more joint offenders has been first brought to and arrested in the Southern District of New York, VICTOR HUGO DIAZ MORALES, a/k/a "Victor Manuel Villegas Castillo," a/k/a "Rojo," the defendant, whose point of entry into the United States is expected to be in the Southern District of New York, and others known and unknown, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

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2. It was a part and an object of the conspiracy that VICTOR HUGO DIAZ MORALES, a/k/a "Victor Manuel Villegas Castillo," a/k/a "Rojo," the defendant, and others known and unknown, would and did import into the United States and into the customs territory of the United States from a place outside thereof controlled substances, in violation of Title 21, United States Code, Sections 952(a) and 960(a)(1).

3. It was further a part and an object of the conspiracy that VICTOR HUGO DIAZ MORALES, a/k/a "Victor Manuel Villegas Castillo," a/k/a "Rojo," the defendant, and others known and unknown, would and did manufacture, distribute, and possess controlled substances on board an aircraft registered in the United States, in violation of Title 21, United States Code, Sections 952(b) and 960(a)(1).

4. It was further a part and an object of the conspiracy that VICTOR HUGO DIAZ MORALES, a/k/a "Victor Manuel Villegas Castillo," a/k/a "Rojo," the defendant, and others known and unknown, would and did manufacture and distribute controlled substances, intending, knowing, and having reasonable cause to believe that such substances would be unlawfully imported into the United States and into waters within a distance of 12 miles of the coast of the United States from a place outside thereof, in

violation of Title 21, United States Code, Sections 959(a) and 960(a)(3).

5. The controlled substances that VICTOR HUGO DIAZ MORALES, a/k/a "Victor Manuel Villegas Castillo," a/k/a "Rojo," the defendant, and others known and unknown, conspired to (i) import into the United States and into the customs territory of the United States from a place outside thereof, (ii) manufacture, distribute, and possess on board an aircraft registered in the United States, and (iii) manufacture and distribute, intending, knowing, and having reasonable cause to believe that such substances would be unlawfully imported into the United States and into waters within a distance of 12 miles of the coast of the United States from a place outside thereof, were (i) five kilograms and more of mixtures and substances containing a detectable amount of cocaine, its salts, optical and geometric isomers, and salts of isomers, in violation of Title 21, United States Code, Section 960(b)(1)(B), and (ii) 500 grams and more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers, in violation of Title 21, United States Code, Section 960(b)(1)(H).

(Title 21, United States Code, Sections 959(d) and 963; and Title 18, United States Code, Section 3238.)

COUNT TWO

The Grand Jury further charges:

6. From at least in or about 2003, up to and including in or about March 2017, in Honduras, Guatemala, and elsewhere, and in an offense begun outside of the jurisdiction of any particular State or district of the United States and for which one of two or more joint offenders has been first brought to and arrested in the Southern District of New York, VICTOR HUGO DIAZ MORALES, a/k/a "Victor Manuel Villegas Castillo," a/k/a "Rojo," the defendant, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, to wit, the narcotics-importation conspiracy charged in Count One of this Superseding Indictment, knowingly did use and carry firearms, and, in furtherance of such crime, did possess firearms, and did aid and abet the use, carrying, and possession of firearms, to wit, machineguns that were capable of automatically shooting more than one shot, without manual reloading, by a single function of the trigger, as well as destructive devices.

(Title 18, United States Code,
Sections 924(c)(1)(A), 924(c)(1)(B)(ii), 3238, and 2.)

COUNT THREE

The Grand Jury further charges:

7. From at least in or about 2003, up to and including in or about March 2017, in Honduras, Guatemala, and elsewhere, and in an offense begun outside of the jurisdiction of any particular State or district of the United States and for which one of two or more joint offenders has been first brought to and arrested in the Southern District of New York, VICTOR HUGO DIAZ MORALES, a/k/a "Victor Manuel Villegas Castillo," a/k/a "Rojo," the defendant, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate Title 18, United States Code, Section 924(c).

8. It was a part and an object of the conspiracy that VICTOR HUGO DIAZ MORALES, a/k/a "Victor Manuel Villegas Castillo," a/k/a "Rojo," the defendant, and others known and unknown, during and in relation to a drug trafficking crime for which they may be prosecuted in a court of the United States, to wit, the narcotics importation conspiracy charged in Count One of this Superseding Indictment, would and did use and carry firearms, and, in furtherance of such drug trafficking crime, possess firearms, in

violation of Title 18, United States Code, Sections 924(c)(1)(A)(i).

(Title 18, United States Code, Sections 924(o) and 3238.)

FORFEITURE ALLEGATION

(As to Count One)

9. As a result of committing the controlled substances offense charged in Count One of this Superseding Indictment, VICTOR HUGO DIAZ MORALES, a/k/a "Victor Manuel Villegas Castillo," a/k/a "Rojo," the defendant, shall forfeit to the United States, pursuant to Title 21, United States Code, Sections 853 and 970, any and all property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as a result of the offense, and any and all property used, or intended to be used, in any manner or part, to commit, and to facilitate the commission of the offense charged in Count One of this Superseding Indictment.

FORFEITURE ALLEGATION

(As to Counts Two and Three)

10. As a result of committing the firearms offenses charged in Counts Two and Three of this Superseding Indictment, VICTOR HUGO DIAZ MORALES, a/k/a "Victor Manuel Villegas Castillo," a/k/a "Rojo," the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d), all firearms and ammunition involved in and used in the commission of

the offenses charged in Counts Two and Three of this Superseding Indictment.

Substitute Assets Provision

11. If any of the above-described forfeitable property, as a result of any act or omission of VICTOR HUGO DIAZ MORALES, a/k/a "Victor Manuel Villegas Castillo," a/k/a "Rojo," the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty,

it is the intent of the United States, pursuant to Title 21, United States Code, Sections 853(p) and 970, and Title 28, United States

Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 853 & 970; and
Title 28, United States Code, Section 2461(c).)



FOREPERSON

Joon H. Kim
JOON H. KIM
Acting United States Attorney

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SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

VICTOR HUGO DIAZ MORALES,
a/k/a "Victor Manuel Villegas Castillo,"
a/k/a "Rojo,"

Defendant.


SUPERSEDING INDICTMENT

S1 15 Cr. 378

(21 U.S.C. §§ 959(d) & 963; and
18 U.S.C. §§ 924, 3238, 2.)

JOON H. KIM
Acting United States Attorney.

A TRUE BILL



Foreperson.

3/29/17 - Filed Superseding Indictment
cc JHW issued J Francis
USMA